

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 815 of 2006

1. Smt. Kaushaliya W/o Sri Amar Singh
2. Amar Singh S/o Sri Niku Ram
Both Resident of D-15, Durga Colony,
Roorkee, P.S. Kotwali Roorkee,
District Haridwar.

..... Applicants

Versus

1. State of Uttaranchal
2. Smt. Radha W/o Manjit Kumar
D/o Dhan Singh Bisht
R/o K.S. Bhawan, House No. 140,
Brahmpuri, District Haridwar.

..... Respondents

Mr. Pawan Kumar, Advocate for the applicants.
Mr. Lalit Verma, A.G.A. for the respondent State.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the applicants and learned
A.G.A. for the State.

2) By means of this petition, moved under Section 482 of the Code of Criminal Procedure, 1973 (for brevity hereinafter Cr.P.C.), the petitioners have sought quashing of the proceedings of criminal case No. 3544 of 2006; State Vs. Amar Singh, relating to offences punishable under Section 498-A, 323, 506, 354 of I.P.C. and that of offence punishable under Section 3/4 of the Dowry Prohibition Act, 1961.

3) Learned counsel for the petitioners argued that the petitioners are innocent. They are mother-in-law and father-in-law of the complainant (present respondent No. 2). It is further argued that the husband of the

complainant has not been charge sheeted, while the in-laws have been charge sheeted. At this stage, this Court cannot go into innocence of the petitioner, as on the basis of the evidence collected by the Investigating Officer, offences punishable under Section 498-A, 323, 506, 354 of I.P.C. and that of offence punishable under Section 3/4 of the Dowry Prohibition Act, 1961, are said to have been made out. It is a matter of trial, whether the petitioners are innocent or not, which would be seen by the trial court, after recording the evidence before it? It is not a case where the ingredients of the offences are not made out from the evidence collected during the investigation.

4) Therefore, the petition under Section 482 of Cr.P.C., is dismissed with the observation that all pleas relating to innocence raised by the petitioners before this Court may also be raised by them before the trial court.

5) With the aforesaid observation, the Petition stands disposed of.

(Prafulla C. Pant, J.)

Dt. October 19, 2006.

H.Negi